

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 28, 38, 39, and 41-84 are pending in the application, with claim 28 being the independent claim. Claims 1-27, 29-37, and 40 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested. Support for the amendments can be found in the claims as originally filed, as well as throughout the specification.

Based on the above amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding objections and rejections and they be withdrawn.

***The Elected Invention***

In the Response to the Requirement for Election of Species filed on February 4, 2003, the Applicants elected compound #35 on page 41 of the specification. The Examiner correctly acknowledged that this election requires examination of the claims to “the extent they read on a phenyl core and at least one of X or Y is an acylated (carbamoyl or carboxyl) sulfonyl(thio)semicarbazide.” (Paper no. 12 at p. 2, para. 1). However, the Examiner apparently overlooked the fact that claim 28 is readable on the elected species when he withdrew claim 28 (among others) from further consideration pursuant to 37 C.F.R. 1.142(b). The Applicants respectfully submit that the Examiner should examine all currently pending claims in this application as they all read on compounds with “a phenyl core and at least one of X or Y is an acylated (carbamoyl or carboxyl) sulfonyl(thio)semicarbazide.” The Applicants respectfully request that the Examiner refrain from improperly withdrawing from examination claims that read on the elected invention.

***Rejections Under 35 U.S.C. § 112***

***Indefiniteness***

The Examiner rejected claims 45 and 50 under 35 U.S.C. § 112 as allegedly being indefinite. The Applicants have amended both claims to correct and update their dependencies because of the cancellation of claim 2. The Applicants dispute that claims 45 and 50 were indefinite before they were amended to update their dependencies, but this rejection would appear to be moot in view of the present amendments to these claims. The Applicants therefore respectfully request that these rejections be withdrawn.

***Enablement***

The Examiner rejected claims 50-84 under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. The Applicants dispute that these claims are not enabled, and respectfully request reconsideration. The “inventors have found a non-peptidic class of CyP binding compounds with activity in neuronal cells.” (Specification at page 34). Pages 44-45 of the specification outline the neurological activities of the compounds of the invention. Examples 48 and 49 demonstrate that ***forty eight*** of the compounds of the invention were tested and found to exhibit cyclophilin rotamase inhibition activity. Page 2 of the specification discloses that cyclophilin binding compounds (such as cyclosporine A and the compounds of the invention) have been determined to exhibit neuroprotective and neuroregenerative effects. Examples 50 and 54 provide assays that enable those skilled in the art to conduct routine experimentation to determine whether compounds such as the compounds of the invention exhibit neuroprotective or neuroregenerative effects. Furthermore, an assay was used in example 51 to demonstrate that compound 15a

exhibits such effects. And in example 53, compounds 8a and 15a were shown to provide neuroregenerative effects in a mouse model of Parkinson's disease. Thus, contrary to the Examiner's allegation, there is ample description in the specification to enable those skilled in the art to make and use the invention. Some of the compounds of the invention have been demonstrated to exhibit neuroprotective and neuroregenerative effects *in vivo*. Those compounds that have not been tested in animal models have at least shown *in vitro* cyclophilin binding activity, an activity that has been linked to neuroprotective and neuroregenerative effects. The Applicants therefore respectfully request that the enablement rejections be reconsidered and withdrawn.

***Rejections Under 35 U.S.C. § 102***

The Examiner rejected claims 1, 2, 4, 6, 7, 9-12, 30, 32, 35, 37, and 50 under 35 U.S.C. § 102(b) as allegedly anticipated by Cremlyn compounds 27, 39, and 41. Claims 1, 2, 4, 6, 7, 9-12, 30, 32, 35, and 37 have been cancelled, leaving just claim 50 as rejected under § 102(b). The Applicants submit that the cited Cremlyn compounds do not anticipate claim 50, as amended, or any other of the pending claims. Claim 28, the only independent claim, specifies a compound of Formula VII, which has a 1,3-bisubstituted six-membered aromatic central ring. The cited Cremlyn compounds, on the other hand, have a 1,4-bisubstituted six-membered aromatic central ring. It is well known in the biochemical arts that seemingly small structural differences can lead to dramatically different biological effects. This is especially the case here, where the structures of these cyclophilin-binding compounds are essential to their cyclophilin-binding activities. Cremlyn neither discloses nor suggests the claimed compounds. The Applicants therefore respectfully request reconsideration of the rejected claims, and that the rejections be withdrawn.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Bell".

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